

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEC TABAK,

Plaintiff,

Case No. 1:18-cv-10772 (PAE)

- against -

3DR HOLDINGS, LLC,

Defendant.

DECLARATION OF NANCY E. WOLFF

NANCY E. WOLFF declares as follows:

1. I am admitted to the bar of this Court and am a partner at the law firm of Cowan, DeBaets, Abrahams & Sheppard LLP, attorneys for defendant 3DR Holdings, LLC (“3DR”) in the above-captioned matter. I make this declaration in support of 3DR’s Partial Motion to Dismiss plaintiff Alec Tabak’s Complaint dated November 18, 2018 (Dkt. 1).

2. Attached hereto as **Exhibit A** is a true and complete screen capture of an article entitled “Man Robbed of \$1.8 Million in Ether at Gunpoint,” which was published on the website located at the URL <https://bitcoinist.com/man-robbed-1-8-million-ether-gunpoint/> (the “Bitcoinist Article”).¹

¹ Although not annexed to the Complaint, the Court may take judicial notice of the Bitcoinist Article, which, as of the date this Motion was filed, is publicly available at <https://bitcoinist.com/man-robbed-1-8-million-ether-gunpoint/>. See *Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 425 (2d Cir. 2008) (court may review complaint and matters of which judicial notice may be taken); *Kramer v. Time Warner, Inc.*, 937 F.2d

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
February 7, 2019


NANCY E. WOLFF

767, 773-74 (2d Cir. 1991) (taking judicial notice of SEC information on motion to dismiss was not improper); *In re Lihua Int'l, Inc. Sec. Litig.*, No. 14-CV-5037 (RA), 2016 WL 1312104, at *4 (S.D.N.Y. Mar. 31, 2016) (taking judicial notice of news stories); *Wang v. Pataki*, 396 F. Supp. 2d 446, 458 (S.D.N.Y. 2005) (taking judicial notice of internet material).